

OPEN MEETING



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ORIGINAL

MEMORANDUM

TO: THE COMMISSION

FROM: Utilities Division

DATE: October 2, 2009

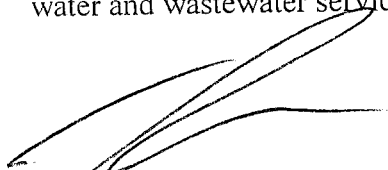
RE: IN THE MATTER OF THE APPLICATION OF LIVCO WATER COMPANY AND LIVCO SEWER COMPANY FOR AN EXTENSION OF THEIR CERTIFICATES OF CONVENIENCE AND NECESSITY (DOCKET NOS. W-02121A-06-0316 AND SW-02563A-06-0316)

On May 4, 2006, Livco Water Company, Inc. ("LWC") and Livco Sewer Company ("LSC") (collectively, "Companies") filed a joint application for an extension of their existing Certificates of Convenience and Necessity ("CC&N").

On January 19, 2007, the Commission issued Decision No. 69258 granting an Order Preliminary to the issuance of a CC&N upon completion of the requirements contained in Findings of Fact No. 26.

On August 6, 2009, the Commission issued Decision No. 71246 amending Decision No. 69258. On August 28, 2009, the Companies docketed a Motion for Final Order to the Issuance of a Certificate of Convenience and Necessity. In this filing, the Companies stated that they have met all compliance requirements set forth in the Decision which are necessary for the issuance of the full CC&N.

Based on its analysis, Staff has concluded that LWC and LSC have complied with all the requirements set forth in the Order Preliminary. Staff, therefore, recommends that the Commission issue a Final Order approving the extension of the Companies' CC&Ns to provide water and wastewater service in Apache County, Arizona.


Steven M. Olea
Director
Utilities Division

SMO:KDB:lhmkOT

Originator: Kimberly Battista

Arizona Corporation Commission

DOCKETED

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AZ CORP COMMISSION
DOCKET CONTROL

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1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 KRISTIN K. MAYES
Chairman

3 GARY PIERCE
Commissioner

4 PAUL NEWMAN
Commissioner

5 SANDRA D. KENNEDY
Commissioner

6 BOB STUMP
Commissioner

7
8 IN THE MATTER OF THE APPLICATION
9 OF LIVCO WATER COMPANY FOR AN
10 EXTENSION OF ITS CERTIFICATE OF
11 CONVENIENCE AND NECESSITY FOR
12 THE PROVISION OF WATER SERVICE IN
13 PORTIONS OF APACHE COUNTY,
14 ARIZONA

DOCKET NO. W-02121A-06-0316

15 IN THE MATTER OF THE APPLICATION
16 OF LIVCO SEWER COMPANY FOR AN
17 EXTENSION OF ITS CERTIFICATE OF
18 CONVENIENCE AND NECESSITY FOR
19 THE PROVISION OF WASTEWATER
20 SERVICE IN PORTIONS OF APACHE
21 COUNTY, ARIZONA

DOCKET NO. SW-02563A-06-0316

DECISION NO. _____

FINAL ORDER

22 Open Meeting
23 October 20 and 21, 2009
24 Phoenix, Arizona

25 BY THE COMMISSION:

26 Having considered the entire record herein and being fully advised in the premises, the
27 Arizona Corporation Commission ("Commission") finds, concludes, and orders that:

28 **FINDINGS OF FACT**

1. On May 4, 2006, Livco Water Company, Inc. ("LWC") and Livco Sewer Company
("LSC") (collectively, "Companies") filed a joint application for an extension of their existing
Certificates of Convenience and Necessity ("CC&N") with the Arizona Corporation Commission
("Commission") to provide water and wastewater utility service in Apache County, Arizona.

...

a) LWC file a copy of the developer's Letter of Adequate Water Supply or Physical Availability Determination for Units One, Three, 33 and Concho West;

3. On August 28, 2009, and as required by Decision No. 69258, LWC and LSC filed a motion for Final Order because they had complied with the above requirements. Based on its review, Staff has concluded that LWC and LSC have complied with all requirements set forth in the Order Preliminary. Staff therefore recommends that the Commission issue a Final Order approving the extension of the Companies' CC&Ns to provide water and wastewater service in Pinal County, Arizona.

4. Staff's recommendations are reasonable and shall be adopted.

CONCLUSIONS OF LAW

2. The Commission has jurisdiction over LWC and LSC and over the subject matter of
tion.

4. Pursuant to A.R.S. § 40-282(D), it is appropriate to issue a Final Order.

ORDER

Decision No. _____

1 IT IS FURTHER ORDERED that Livco Water Company and Livco Sewer Company shall
2 charge water and wastewater customers in the areas described in Exhibit A their existing rates and
3 charges until further Order by the Commission.

4 IT IS FURTHER ORDERED that Livco Water Company and Livco Sewer Company shall
5 file, as part of their annual reports, an affidavit with Docket Control attesting that Livco Water
6 Company and Livco Sewer Company are current on paying their property taxes in Arizona.

7 IT IS FURTHER ORDERED that this Decision shall become effective immediately.

8
9 **BY THE ORDER OF THE ARIZONA CORPORATION COMMISSION**

10
11 CHAIRMAN

COMMISSIONER

12
13
14 COMMISSIONER

COMMISSIONER

COMMISSIONER

15
16 IN WITNESS WHEREOF, I, ERNEST G. JOHNSON,
17 Executive Director of the Arizona Corporation Commission,
18 have hereunto, set my hand and caused the official seal of
19 this Commission to be affixed at the Capitol, in the City of
20 Phoenix, this ____ day of _____, 2009.

21 _____
22 ERNEST G. JOHNSON
23 EXECUTIVE DIRECTOR

24 DISSENT: _____

25 DISSENT: _____

26 SMO:KDB:lm\KOT
27
28

1 SERVICE LIST FOR: LIVCO WATER COMPANY and LIVCO SEWER COMPANY
2 DOCKET NOS.: W-02121A-06-0316 and SW-02563A-06-0316

3 Mr. Steve Wene
4 Moyes, Sellers & Sims, Ltd.
5 1850 North Central Avenue, Suite 1100
6 Phoenix, Arizona 85004
7 Attorney for Livco Water & Livco Sewer

8 Mr. Steven M. Olea
9 Director, Utilities Division
10 Arizona Corporation Commission
11 1200 West Washington Street
12 Phoenix, Arizona 85007

13 Ms. Janice M. Alward
14 Chief, Legal Division
15 Arizona Corporation Commission
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17 Phoenix, Arizona 85007
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EXHIBIT A

EXHIBIT A

LIVCO WATER COMPANY AND LIVCO SEWER COMPANY
DOCKET NOS. W-02121A-06-0316 AND SW-02563A-06-0316
AMENDED LEGAL DESCRIPTION

REQUESTED WATER EXPANSION AREA

Parcel 1

Concho West Shore Subdivision – A portion of Sections 7 and 18, Township 12 North, Range 26 East, Gila and Salt River Base and Meridian, Apache County, Arizona, more particularly described as follows:

Commencing at a point marking the Northeast corner of said Section 18;

THENCE South 86° 00' 07" West along the common boundary between Sections 7 and 18, a distance of 1,874.18 feet to the TRUE POINT OF BEGINNING;

THENCE South 00° 50' 31" West, a distance of 1,378.86 feet to a point on the South boundary of the Northwest Quarter of the Northeast Quarter of Section 18, said point lying South 86° 24' 11" West, a distance of 426.43 feet from the Northeast 1/16 Section corner;

THENCE South 86° 24' 11" West along said 1/16 Section line, a distance of 898.76 feet to a point on the Easterly right-of-way boundary of State Highway 61;

THENCE North 18° 33' 42" East along the highway right-of-way, a distance of 1,437.83 feet to a point of curvature;

THENCE Northerly along the right-of-way boundary and along a curve being concave to the East, having a radius of 3,745 feet, through a central angle of 05° 14' 54", a distance of 343.05 feet;

THENCE South 69° 00' 28" East, a distance of 361.78 feet;

THENCE South 00° 50' 31" West, a distance of 118.16 feet to the TRUE POINT OF BEGINNING.

Containing 23.04 acres, more or less

Subject to any existing easements or restrictions

Parcel 2

All of Section 7 except Parcel 1 and those areas previously certificated to the Company

Parcel 3

All of Section 29 except those areas previously certificated to the Company

Parcel 4

All of Section 33

All located in Township 12 North, Range 26 East, G&SRB&M, Apache County, Arizona

DECISION NO. _____

DOCKET NOS. W-02121A-06-0316 AND SW-02563A-06-0316
AMENDED LEGAL DESCRIPTION

REQUESTED SEWER EXPANSION AREA

Parcel 1

Concho West Shore Subdivision – A portion of Sections 7 and 18, Township 12 North, Range 26 East, Gila and Salt River Base and Meridian, Apache County, Arizona, more particularly described as follows:

Commencing at a point marking the Northeast corner of said Section 18;
THENCE South 86° 00' 07" West along the common boundary between Sections 7 and 18, a distance of 1,874.18 feet to the TRUE POINT OF BEGINNING;

THENCE South 00° 50' 31" West, a distance of 1,378.86 feet to a point on the South boundary of the Northwest Quarter of the Northeast Quarter of Section 18, said point lying South 86° 24' 11" West, a distance of 426.43 feet from the Northeast 1/16 Section corner;

THENCE South 86° 24' 11" West along said 1/16 Section line, a distance of 898.76 feet to a point on the Easterly right-of-way boundary of State Highway 61;

THENCE North 18° 33' 42" East along the highway right-of-way, a distance of 1,437.83 feet to a point of curvature;

THENCE Northerly along the right-of-way boundary and along a curve being concave to the East, having a radius of 3,745 feet, through a central angle of 05° 14' 54", a distance of 343.05 feet;

THENCE South 69° 00' 28" East, a distance of 361.78 feet;

THENCE South 00° 50' 31" West, a distance of 118.16 feet to the TRUE POINT OF BEGINNING.

Containing 23.04 acres, more or less

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DECISION NO. _____